CWP No.792 of 2007

16.6.2007. Present: Mr.Neel Kamal Sood, counsel for the petitioner.
Mr.H.K. Bhardwaj, counsel for respondents 1 to 3.

The main point urged by the petitioner in this writ petition is that the tender box in question was broken upon by one Khushi Ram who allegedly acted at the behest of respondents 4&5. In fact in the petition it was not even alleged that the tender box was broken by Khushi Ram but it was alleged that respondents 4&5 had broken the sealed tender box. However, in the rejoinder a new plea has been taken that Khushi Ram had broke upon the seal of the tender. This fact was denied by the Food Corporation of India. This disputed question of fact cannot be decided in the writ petition. At this stage Mr.Neel Kamal Sood seeks leave of this Court to withdraw the writ petition and to file the civil suit. Liberty granted. Petitioner is permitted to file civil suit or take any other appropriate remedy available to him in accordance with law.

The writ petition is dismissed as withdrawn. The stay order dated 6.6.2007 is vacated.

In view of the dismissal of the writ petition, CMPs No.1361 & 1362 of 2007 are also dismissed.

(Deepak Gupta),ACJ

June 16, 2007. **(V.K. Ahuja),J**
PV